

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

SDL PLC,

Plaintiff,

-V-

AVAYA, INC.,

Defendant.

18-CV-7799 (JMF)

ORDER

JESSE M. FURMAN, United States District Judge:

On January 7, 2019, Defendant filed a motion to dismiss the complaint under Rule 12(b) of the Federal Rules of Civil Procedure. *See* Docket No. 17. Under Rule 15(a)(1)(B), a plaintiff has twenty-one (21) days after the service of a motion under Rule 12(b) to amend the complaint once as a matter of course.

Accordingly, it is hereby ORDERED that Plaintiff shall file any amended complaint by **January 29, 2019**. Plaintiff will not be given any further opportunity to amend the complaint to address issues raised by the motion to dismiss.


If Plaintiff does amend, by three (3) weeks after the amended complaint is filed, Defendant shall: (1) file an answer; (2) file a new motion to dismiss; or (3) submit a letter to the Court, copying Plaintiff, stating that it relies on the previously filed motion to dismiss. If Defendant files an answer or a new motion to dismiss, the Court will deny the previously filed motion to dismiss as moot.

It is further ORDERED that if no amended complaint is filed, Plaintiff shall serve any opposition to the motion to dismiss by **January 29, 2019**. Defendant's reply, if any, shall be served by **February 5, 2019**. At the time any reply is served, the moving party shall supply the Court with one courtesy hard copy of all motion papers by mailing or delivering them to the United States Courthouse, 40 Centre Street, New York, New York.

Finally, it is further ORDERED that the initial pretrial conference scheduled for February 28, 2019, *see* Docket No. 16, is adjourned *sine die*.

SO ORDERED.

Dated: January 8, 2019
New York, New York


JESSE M. FURMAN
United States District Judge